

The Sun

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If you are a friend who favors us with manuscripts for publication, please to have rejected articles returned by mail, and in all cases send stamps for that purpose.

And This Is What Came Out of the Mountain.

1. A "downward revision" which in some particulars gets nearer to the truth; "relief" for the consumer which in some particulars gives another turn to the screws attached to that miserable thumb; in general, a reediting and rearrangement of the sacred word of NELSON DINGLEY; without much significance except that it has been played for all that it is worth to certain manufacturers and leaves the issue of tariff reform alive and kicking.

2. A proposed constitutional amendment enabling the Federal Legislature hereafter to distribute direct taxes inequitably among the States and among individuals; also, to tax the machinery of State government itself.

3. A new socialistic tax of doubtful constitutionality on the incomes of corporations; socialistic because it is manifestly imposed not for revenue but as the entering wedge for further processes of Federal control and Federal inquisition; a revolutionary measure demanded by no platform (except BRYAN'S), never adequately considered or discussed, and enacted against the almost unanimously adverse opinion of the country, apparently with the main purpose of enabling Mr. TAFT to prove, with Mr. ELIOT ROOT'S assistance, that although THEODORE ROOSEVELT is gone he is not forgotten.

4. The authorization of successive bond issues at the Executive's discretion up to the full cost of the Panama Canal as now estimated; the practical and as yet imperfectly appreciated effect of this measure being to enhance vastly the Executive's power over canal policies and to make Congress more and more a mere bystander and onlooker. This occurs, it may be noted, at a time when sentiment in Congress, among the engineering profession and in the country at large is undergoing a rapid and radical change as to the merits of the lock high level plan to which the Administration has been committed.

Thus, although the outcome may be infinitesimal regarding the tariff reduction for which the special session was called by President TAFT four months ago, the secondary results are of a magnitude which it is no exaggeration to call portentous.

Well, let us make the best of it all and be glad it is over. Let us make ready for the national prosperity that seems to be determined to rush down upon us and overwhelm us, not because of this wretched travesty of tariff legislation in the year of our Lord nineteen hundred and nine, but in spite of it.

Micawber Moore.

The Hon. WILLIS LUTHER MOORE, Chief of the Weather Bureau, wants young men as forecasters. The venerable vaticinator about to be transferred from this town to Providence betters under his 40 years. Mr. MOORE is 53. Young weather seers have the hopeful and vicious pride of youth. The older, except the elastic MICAWBER MOORE, have been saddened by repeated disappointment. That a man more than 25 can go on predicting the weather shows, as Dr. JOHNSON said of second marriages, the triumph of hope over experience.

When the Hon. WILLIS LUTHER MOORE was first appointed Chief of the Hon. JULIUS STERLING MORTON, Secretary of Agriculture in Mr. CLEVELAND'S second Cabinet, a keen dendrophilist and one of the most accomplished gentlemen, uncompromising free traders and appreciative humorists that ever adorned Washington, said, with an evident ironic catch in his voice:

"He (MOORE) has a system of his own, which as explained to me privately, it is little short of wonderful, and it has been his secret for years."

Little short of wonderful? Why, it is preternatural. March 3, 1901, Mr. CAWBER MOORE asserted in print that the weather on March 4, McKinley's second inauguration, would be "the finest ever experienced in the inauguration of a President. The sky surely will be clear and the temperature warm and balmy." Inevitably all the windows and doors of heaven were opened on that dismal Monday. It rained cats, dogs and river horses. The grand secret! For Mr. TAFT'S inauguration MICAWBER promised "a clear day, with plenty of sunshine and invigorating air," a tem-

perature of between 35 and 40 degrees, "the best weather conditions." Millions perished in the snow. The grand secret once more!

Nothing can daunt MICAWBER. He "counts the hits and not the misses," and in 365 trials of the dice he must throw occasionally. He still nurses the unconquerable hope. He is ever young and fair. Whereas his "fair" usually means rain or snow.

Joy Riders, All of Them.

Our esteemed contemporary THE EVENING SUN published an article last evening concerning the use of one of the city's automobiles by a city official who is on vacation. It appears that the gentleman in question has gone off sojourning in the country and has taken with him an automobile which is the property of the municipality. THE EVENING SUN appears to disapprove of this proceeding, seems to detect in it somewhat of immorality and of loose regard for the property of others; and, while it does not openly say so, would find in it the category of "joy riding."

"Joy riding" is commonly accepted as a sort of felony and means are being earnestly sought to visit it with the severest punishment. All the same, candor requires the admission that there is a great deal to be said in mitigation of our contemporary's severity. Precedent, especially in public life, is taken to justify many things which neither decency nor plain, common honesty approve. Precedent and example, perhaps, are responsible for a large part of all the moral laxity which the world condones and the Church ignores.

How shall we hold to strict account any of our servants who appropriate our property to his temporary use and benefit when we allow the highest of them all to do the same thing without remonstrance or rebuke? Before we condemn the "joy rider" in domestic life or in municipal service, and before we visit his dishonesty with the severity that it deserves, had we not better inquire if we are not ourselves remiss in that we ourselves are dishonest, and grossly so, in our discrimination between offenders?

We confess that accounts published from time to time of the vulgar delinquencies of the garage and of the more serious laches of public servants to the people's automobiles ought to be indifferent reading beneath the gay awnings of the Sybil.

The Writs of Habeas Corpus in the Thaw Case.

We are sorry to see that the recent proceedings in the case of HARRY K. THAW are being made the text of journalistic preachments demanding an alteration in the law of habeas corpus. Because THAW has sued out four successive writs and because the hearings have seemed to some critics to be unduly protracted the Legislature is urged to strike a blow at one of the greatest safeguards of personal liberty in America. It is a pretty poor reason to give for changing an established rule of legal procedure that it is sometimes and under very exceptional circumstances capable of abuse.

We called attention a few days ago to the report of a special committee of the New York City Bar Association in reference to proposed amendments to the Code of Civil Procedure. Hidden in the middle of this report, like JONAH in the whale's belly, were two amendments to the law of habeas corpus. One proposes to abolish the rule which subjects a Judge to a fine of \$1,000 for refusal to issue the writ when the papers presented in support of the application make out a prima facie case for its issuance; the other, to abolish the privilege which is now possessed by every applicant who seeks release from imprisonment by virtue of the writ of habeas corpus to apply a second time and to another court or Judge, if his application under the first writ is unsuccessful.

We pointed out that these features of the law are derived from England, and that both rules have ordinarily worked well in practice. The statutory fine is never operative in a case where the petition is insufficient in law; that is to say, the Judge or court is under no duty to grant the writ unless the facts stated in the petition therefor and supported by the oath of the applicant or some one acting in his behalf show that the petitioner is illegally restrained of his liberty. This provision for a penalty simply insures careful attention to all petitions for the writ of habeas corpus; it prevents them from being passed upon in a perfunctory way, which otherwise might well happen in the mass of judicial business which many Judges are now called upon to transact in this country.

The right to apply for a second writ is even more important. It finds support in the approval of some of the greatest Judges who have ever sat on the bench in England and America—among whom we may mention Lord KENTON and the late SAMUEL NELSON, who represented this State on the bench of the Supreme Court at Washington for many years. In a leading case on the subject decided by an able tribunal, the Supreme Court of Minnesota, in 1883, the disposition to make the right to a second writ a question of expediency for the court to determine is denounced as a dangerous notion. We quote from the opinion:

"The writ of liberty is a writ of right. When we consider its origin, its history and its purposes, the transcendent necessity of its issuance, dependent upon the right of the petitioner and not upon the discretion of anybody, it is incontestable, it may be urged that to allow the issue of successive writs will be intolerable and oppressive to the courts and to the public law officers. To this there are several answers: First—Business of this kind is ordinarily controlled and conducted by an honorable profession. Second—Experience is to the contrary. We may rest with comfortable assurance upon the fact that after many years trial in this country and centuries of trial in England the right to successive writs has not been found to work any serious practical inconvenience."

In the Thaw case, whatever we may think as to the propriety of the writ of acquittal on the ground of insanity, it would be particularly unjust if a decision last year that the prisoner was not

entitled to be released on habeas corpus were held to be conclusive upon the question of his sanity now. In that event it is difficult to see how he should ever get out, even though he should have become absolutely sane. In the eye of the law the verdict of the jury has established the fact that he is guilty of crime; and if the verdict was correct there is no justification whatever for his detention in custody unless he still remains of unsound mind. The right to test the question of his sanity from time to time should belong to him just as it belongs to all persons who are restrained as patients in lunatic asylums.

The proceedings before Justice MILLS at White Plains are also condemned as unduly dilatory, and it is argued that the law of habeas corpus ought to be changed on this account. It should be remembered, however, that a judicial inquiry cannot always be conducted with the celerity of operations in business, nor is it desirable that it should proceed too hastily. This is the time of year when most Judges are enjoying their vacation, and certainly Justice MILLS ought not to be criticised because he is willing to devote so much time and attention in midsummer to the Thaw case. The State does not have to pay him a single additional dollar by way of salary; nor is Mr. JEROME'S compensation increased at the expense of the public because he is zealous enough as District Attorney to leave his summer home at Lakeville and spend arduous days in the confinement of the court room at White Plains. Nobody would think of indulging in any fault finding in the matter unless the case happened to be one in which, owing to the peculiar features of the Stanford White homicide, the public and the newspapers have become greatly interested. It is a grave mistake, in our judgment, to regard any occurrence in the Thaw case as a legitimate argument in favor of changing the law of habeas corpus. It would be just as sensible to propose to change the law in regard to the compensation of attorneys because one of the gentlemen who has acted as counsel for THAW has sued him for \$100,000.

A Bitter Hour.

In the too spotted records of rebellion is there a page more loathsome than that which tells of the execution from the urgent deficiency appropriation bill of the appropriation for the salaries of the officers of the United States Court of Customs Appeals?

"Nothing," says a Washington despatch to THE SUN, "that has happened in the recent volcanic eruptions of the tariff situation has created such excitement around the halls of Congress as did the information to-day that the movement for the Customs Court had resulted in a fiasco."

The withers of patriotism are wringing most damnable. Wails arise from the five thousand candidates for the five judgeships, from the five hundred thousand candidates for those fat attorneyships and clerkships and assistant clerkships and stenographic clerkships and marshalships and so on. Woe, woe to the insurgent spoilers who have robbed the faithful of the manna! The Judges were all picked out. Divers discharged statesmen were about to get a longer and a "softer" job. Grapes of TANTALUS! But let us not dwell on the anguish of these brethren so cruelly and treacherously deceived.

Yet to one martyr of insurgency our heart must go out with a tenderness uncontrollable. The Hon. WILLIAM PETERS HEPBURN, the pride of Clarendon and the terror of the railroads; the pure, the stern, the noble, the unfortunate HEPBURN. His Congress district kicked him out. The insurgents will not let him in. Who is there to care for HEPBURN now? Out of what hand save the Government's can the good old man be taught to feed?

Deceptive Beacons.

The marriage of Mme. NORDICA in London recently will no doubt bring later its usual crop of misguided young women (with voices) knocking at the offices of operative managers. The stage as a medium of matrimony is an ancient institution, but all who use it for that purpose do not succeed. Many are called to the career, few are chosen. Malvolio's speech never holds good in the case of the opera singer; we refer to the particular passage: "Some have greatness thrust upon them." Singers to be great must always achieve greatness. To be sure, if they are born with a great voice, their trials are smoothed away; great voices, however, are as rare as great brains. NORDICA, for instance, started out with an excellent voice, a strong physique and indomitable ambitions. Almost in middle life, she turned her back on Italian opera; then came her brilliant successes as *Ella* and *Brundage* and *Iolde*. She alone could tell what the effort cost her. Her Yankee grit backed by intelligence sent her to the top of the ladder.

Yet, the girl who goes to Paris or Berlin or Milan only sees the NORDICA of the tiara, the press notices, and the fashionable London wedding. She might remember the little girl who, not possessing money enough to sit in the orchestra, climbed to the gallery after waiting for hours to hear PATTI in Vienna. Well could MARCELLA SEMBRICH exclaim: "I, too, am a singer!" but she was modest and held her tongue and worked like a galley slave.

The best of musical beacons, whether they be SEMBRICH or NORDICA, LEMANN or TERRINA, may prove deceptive. Absorbed in their art, they were whole soul in yielding to its magic. The young woman singer of the present day is more practical. She wants quick results, and big pay. She no longer believes in the garret of Bohemia; she goes into society, is petted for her small gifts, and expects to achieve a position in a few years. American girls, especially, brought up in comfortable circumstances, rush abroad, engage some fashionable singing master, study superficially a few roles, pay heavily for a debut at some third rate Italian, French or German opera house, secure a lot of

high sounding criticisms, and set sail for their native shore.

The usual concert in the native town takes place. More praise, flowers and family enthusiasm. A change of name is made, usually to one ending with a soft vowel sound, HOBOKENIANA, or some such Italian sunset effect. Then come the managers and the tug of war. Thousands of dollars have been spent on the young woman's musical education. She can sing in three languages with an equally bad accent; she has been in Paris or Berlin or Milan; but she can't act, she can't sing, and thinks she knows it all. Ambitious? Yes, but not in the right way. The *as longa* is not to her way of thinking. She fails, of course, and presently comic opera claims her as its own. She says aloud, "SEMBRICH, NORDICA, LEMANN, TERRINA," but she is not willing to endure their long and painful apprenticeship to art. She is lured by the deceptive beacon of their success, not by their devotion to music. That she falls into the pitfalls prepared by unscrupulous journals and managers that flatter her and pilfer her friends' purses is a matter of course.

Peaceful pedestrians on Forty-second street west of Broadway must fancy themselves in the Bowery or in Baxter street these cool August afternoons, because of the insistent assaults upon their attention made by the lusty and zealous young men who seem to act as "pullers in" for various theatrical entertainments in that vicinity. Flourishing bundles of greenbacks they force the claims of their respective "shows" upon you until you are out of hearing. They are not employed by theatrical managers, as they are only selling tickets; speculators bent on selling the merchandise. Nevertheless, their methods are extremely odious, and the police might easily subdue some of their pernicious enthusiasm.

Dr. BODE of the Berlin Museums has succumbed to the fever of the Yankee peril and sees yellow when the name of an American picture collector is mentioned. But America is only following the example of the French and German nations, with this exception: our rich men with a taste for art pay for their pictures and marbles. The pictures and marbles in the Louvre of the Italian and Spanish school were not always paid for. NAPOLEON grabbed them, and there were others.

President ZELAYA, having reduced his Cabinet to a single member, probably proposed to run the Government on the plan of the Mikado in the Gilbertian opera. He himself, if tales be true, is especially qualified for the functions of Lord High Executioner, while his unanimous Cabinet will act efficiently as Lord High Everything Else.

"There is no rate in this bill too high for me," said HENRY OF Idaho.

Mr. HENRYBURN was born that way—in Pennsylvania.

Mr. Ernest Flag on Snow Removal.

To the Editor of THE SUN.—Sir: It may appear a little unnecessary to speak of snow removal in August, but "in time of peace prepare for war."

Some years ago in Broad street I saw snow being shoveled through the manholes into the sewer. I was looking down I could see a stream of water flowing beneath, which carried it off as fast as was thrown.

This method was so effective, economical and prompt that I have often wondered how it has been suggested to me. It seems to me that when the snow is to be removed it would be an easy matter to pump sufficient salt water through the sewers of the city to be heated and let it carry the snow to the rivers.

The principal cost of snow removal is in the carting; it has to be hauled laboriously through the streets, and then it has to be dumped on the dumps on the waterfront. The economy of using the method I suggest would be great, as most of the carting would be dispensed with, but even if it cost much more than at present, the speed and economy of removal would be a sufficient recommendation for it.

I already have a high pressure salt water service in the downtown district which might readily be extended through the city it could be made to serve the double purpose of snow removal and fire protection, to say nothing of sewer cleaning.

Almost every block in New York or more manholes to the sewer in the center of the street through which the snow could be shoveled, but even if it was not thought practicable to flush all the sewers, an immense saving could be effected if only the principal ones were used. I believe that the snow could be removed in this way in a quarter of the time which it now takes and at a quarter of the present cost, but the saving to the city treasury would be but a small one, for the salt water would be pumped out of the city and the cost of the salt water would be a considerable item.

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THE SHIPPING OF THE CHANNEL.

How Blériot's Historic Flight Impressed the French on the Torpedo Boat.

From a Mass of July 24.

Oh, that crossing! I can say without exaggeration that I have lived an hour never to be forgotten. Over and over again the beauty of it, the anguish, the enthusiasm, the triumph are reflected in the mind and in the heart of one who has seen the rare good fortune to have seen, to have applauded, to have shouted in triumph and to have wept with joy.

I lived these moments on the torpedo boat L'Escoffier, which was ordered to convey Blériot on his aerial voyage. Prompt, resolute as ever, Blériot had decided at 3 o'clock in the morning to make the trip if his preliminary test went well. Alfred Le Blanc carried him off quickly to Les Barques, an automobile, while we hurried on board the boat, where we found, with Mme. Blériot, André Fournier, Glat and three comrades, including Frantz Reichel of the *Figaro* and G. de Lafrete of the *Echo de Paris*.

The boat being in a way remarkable the weather was nevertheless favorable. The sea was slightly agitated by a land breeze. In the east the red coloring announced the coming of sunrise. We cruised in sight of Les Barques near the semaphore, where we saw the signal was hoisted and agreed upon if Blériot was ready to start. From 4 o'clock to 4:35 we circled about. Suddenly the vague outline of a bird showed in the direction of Les Barques. Blériot, having his direct rehearsal. Then a minute later the sailor on the mast made out the signal.

Blériot was ready; he was going to start. We still craved, for Captain Ploger thought that it was not yet time to put to sea. The captain's brilliant smile and the great about the horizon. It threw a curious light upon the scene. It was even ahead of the scheduled time. It had been announced for 4:35 o'clock, and here it was ten minutes earlier. Nothing could be more accommodating.

All of a sudden, at a moment when no one was yet expecting it, I discovered the monoplane above the dunes.

"There it is, there it is!" I yelled like a madman. I rushed to the starboard rail and turned my glasses in this direction. Only Mme. Blériot, standing in a corner, did not desire to see herself. This plucky woman, who all through the morning showed memorable courage in spite of our anxieties, now broke down a little. But instantly checking this emotion of the first moment, she looked, watched, admired like the rest of us.

It was truly splendid, and enthusiasm kept me silent. The bird saw straight on the sea, it skimmed the cliffs of Sangatte. It flew with speed that was disconcerting, with a wonderful steadiness which gave an impression of complete security.

We were making a goodly knot. The *Escoffier* bounded over the waves. We were now on a line parallel to Blériot's course. But we did not seem to be gaining. "Twenty-two, twenty-four, twenty-five knots!" roared the captain successively.

The boat responded beautifully. It traced through the foaming waves. Ours was a keen race, but our handicap was too heavy. Gracefully, obediently, responding instantly to the will of his pilot, Blériot's aeroplane flew ahead without giving the voyagers the slightest occasion for apprehension. We hoped that it might make zigzags to keep its elevation. But Blériot was already far away. After half an hour at sea he was nothing but a black point on the horizon; then he disappeared in the mist.

Five o'clock had come and we were still only half way across the strait. The minutes seemed like hours. We searched the horizon in the hope of discovering something. There was something moving from west to east, something which looked marvelously like the monoplane. Our hearts stood still with fear. Laugh if you will; that something, that line which moved was a flight of ducks. The anguish had been a flight of ducks. The anguish had been a flight of ducks.

There was an English coast at last, and we sought on it a side some sign that might put us on the track. But there was no such sign. Anxiety and anguish again possessed us. If this man had been seized by a current and no one had seen him! What a catastrophe, what a tragedy! Although our hearts misgave us we put a good face on it. Dover harbor drew near. Here, perhaps, we would see something. Perhaps there would be a crowd upon the quays to signal to us that the great deed had been done. Some little white clouds showed themselves against the opaque background.

"Some bombs have been fired!" we shouted.

We believed nothing. We knew nothing, we waited in a state so nervous that nothing—not even the thought that Blériot had succeeded—could reassure us.

At last we were in Dover harbor. It seemed like a city of the dead. Not a boat came toward us. From the quays not a single cry of rejoicing came to us. It was a moment of agony never to be forgotten. Blériot had not arrived. Otherwise there would have been some one to expect us, to reassure the wife who, although a little pale, still bore up bravely.

The captain ordered his sailors to go and get the news. They hastened away toward the Admiralty building, then after a minute they returned, they waved his handkerchief as a sign of success.

The triumph was certain. No one could longer doubt it. Then with the same rapidity we and the boat broke into the harbor. Joy in hearts that reached the old wall of Dover Castle.

The success was complete. "Vive Blériot!" "Hurrah for Blériot!" In the captain's cabin we reassembled again, weeping with joy and laughing. We excused ourselves for that moment of weakness which brought us back to earth.

But on the quay by the railroad station there is some one moving, some one making signs. It is Blériot, who comes to us—every one in his turn—where his wife can be.

With the help of two fishing boats we go alongside the quay and greet him. Then we all have the pleasure of embracing this hero of the hour, this man of the kind of friendship, which men exchange only because it is genuine, real, sincere. Then we weep again like great children. The English who assist at this little family scene stand in silent amazement.

This time there is no doubt about the triumph. We all go to the Warden Hotel, and there Blériot is assailed by a crowd of people who want to see him, to get his signature as a souvenir, who are anxious to know his impressions.

Even I was great in my turn. Knowing a little English I became the interpreter, and happy, as a Frenchman, to glorify Blériot, I did not hesitate to tell of his life, his studies at the Ecole Centrale, his acquaintance with the beginning in aviation, his trials, his disappointments and his triumph. While we were thus holding a little session there was a call on the telephone from Calais.

"You have been decorated! You have been decorated!" some one called to Blériot. The Minister had had a brilliant idea. Madame Blériot, always forthcoming, drew out of her little bag a scarlet ribbon and pinned it affectionately fixed in her husband's buttonhole. The messages of congratulation followed. That of Latham was first.

"Cordial congratulations. Hope to follow you soon," said he.

The flight of Blériot had entirely upset the English at Dover. The custom house official rushed to the spot where the bird was resting.

"Fortunately," said he, "machines like this do not pass the frontier. What should I do then? What should I become?"

On the rudder of the aeroplane some one wrote, "Blériot est un brave homme," probably meaning to say that the aviator was "un homme digne de respect" (a worthy man).

On board the boat which was taking us back toward the French coast I told the

THE SKIPPING OF THE CHANNEL.

How Blériot's Historic Flight Impressed the French on the Torpedo Boat.

From a Mass of July 24.

Oh, that crossing! I can say without exaggeration that I have lived an hour never to be forgotten. Over and over again the beauty of it, the anguish, the enthusiasm, the triumph are reflected in the mind and in the heart of one who has seen the rare good fortune to have seen, to have applauded, to have shouted in triumph and to have wept with joy.

I lived these moments on the torpedo boat L'Escoffier, which was ordered to convey Blériot on his aerial voyage. Prompt, resolute as ever, Blériot had decided at 3 o'clock in the morning to make the trip if his preliminary test went well. Alfred Le Blanc carried him off quickly to Les Barques, an automobile, while we hurried on board the boat, where we found, with Mme. Blériot, André Fournier, Glat and three comrades, including Frantz Reichel of the *Figaro* and G. de Lafrete of the *Echo de Paris*.